

COURT OF APPEALS OF THE STATE OF GEORGIA

Stephen H. Foster v. Victor Warren Properties, Inc.

Foster v. Victor Warren Properties · No. A27A0007 · Decided August 4, 2026

SUMMARY

The Georgia Court of Appeals dismissed Foster’s appeal from a post-foreclosure writ of possession because the notice of appeal was filed 32 days after the superior court’s judgment. Under OCGA § 44-7-56(b)(1), such a notice must be filed within seven days of entry of judgment.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	August 4, 2026
DOCKET	A27A0007
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a superior court final order granting the plaintiff's motion for summary judgment and a post-foreclosure writ of possession.
PRECEDENTIAL VALUE	Published Georgia Court of Appeals opinion
PARTIES	Stephen H. Foster v. Victor Warren Properties, Inc.

TOPICS

- appellate jurisdiction
- appellate procedure
- eviction
- landlord tenant
- real estate

PRACTICE AREAS

- appellate procedure
- real estate
- landlord tenant

QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction over Foster's appeal when the notice of appeal was filed 32 days after entry of the superior court's judgment in a dispossessory action.

HOLDINGS

1. The Court of Appeals lacked jurisdiction because Foster filed his notice of appeal 32 days after entry of the superior court's judgment, exceeding the seven-day deadline applicable to dispossessory actions.

KEY QUOTATIONS

“Under OCGA § 44-7-56(b)(1), a notice of appeal in a dispossessory action “shall be filed within seven days of the date such judgment was entered.””

FACTUAL BACKGROUND

Victor Warren Properties, Inc. sought possession of property after foreclosure through a post-foreclosure writ of possession. The superior court granted the company's motion for summary judgment and awarded it possession, while denying Foster's cross-motion.

PROCEDURAL HISTORY

Victor Warren Properties, Inc. filed a superior court complaint seeking a post-foreclosure writ of possession against Stephen H. Foster and other occupants. The parties filed cross-motions for summary judgment, and the superior court entered a final order on May 28, 2026, granting Victor Warren Properties' motion and possession of the property. Foster filed a notice of appeal on June 29, 2026, 32 days after entry of the order.

DISPOSITION

dismissed

CASES CITED

- Stubbs v. Local Homes, LLC, 375 Ga. App. 513, 516, 915 S.E.2d 91 (2025)

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